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TRAFFICSCHOOL.COM, INC. and
8 DRIVERS ED DIRECT, LLC, California companies.

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

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12 TRAFFICSCHOOL.COM, INC.,
a California corporation; DRIVERS ED
13 DIRECT, LLC, a California limited
liability company,

14 Plaintiffs,

15 vs.

16 EDRIVER, INC., ONLINE GURU,
17 INC., FIND MY SPECIALIST, INC.,
and SERIOUSNET, INC., California
18 corporations; RAVI K. LAHOTI, an
individual; DOES 1 through 10,

19 Defendants.
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Case No. CV 06-7561 PA (Cwx)

The Honorable Percy Anderson

DECLARATION OF BENJAMIN P.
WATSON IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CONTEMPT AGAINST
DEFENDANTS FOR VIOLATION OF
THE COURT'S INJUNCTION AND
FOR SANCTIONS

Date: January 26, 2009

Time: 1:30 p.m.

Courtroom: 15

1 (explained below).

2 6. To create Exhibit B, I made the DMV.ORG logo smaller and used what I
3 believe to be the true 14 point of the style font that was being used on the splash screen
4 at DMV.ORG. While different font styles will appear different even in the same “point”
5 size, I believe that the version in Exhibit B is the true 14 point font of the same style
6 font that was then being used on the DMV.ORG splash screen. In other words, I do not
7 believe that Defendants used (or are currently using) a 14 point *font* that is required
8 under the Injunction for the disclaimer, but rather have used a smaller 10 point font for
9 the disclaimer text. To illustrate this, on or about December 19, 2008, I created three
10 visual aids, true and accurate copies of which are attached hereto as Exhibits “C”, “D,”
11 and “E,” as follows:

12 a. Exhibit C: This PDF document shows the disclaimer in a 14 point
13 font versus the disclaimer font used on the DMV.ORG splash screen. Specifically, it
14 shows how the 14 point font looked on my computer screen when compared to the
15 actual disclaimer text shown on the DMV.ORG splash screen. As is evident, the 14
16 point text is much larger.

17 b. Exhibit D: This PDF document shows the disclaimer in a 10 point
18 font versus the disclaimer font used on the DMV.ORG splash screen. Specifically, it
19 shows how the 10 point font looked on my computer screen when compared to the
20 actual disclaimer text shown on the DMV.ORG splash screen. As is evident, the 10
21 point font looks identical, and accordingly, it appears that Defendants are using a 10
22 point font, not a 14 point font.

23 c. Exhibit E: This PDF document shows the 10 point disclaimer font
24 used on the DMV.ORG splash screen disclaimer versus a true 14 point font and how
25 they both appear on my computer screen.

26 7. On or about December 19, 2008, I again reviewed the DMV.ORG splash
27 screen on the dmv.org domain. A true and accurate copy of a screen capture that I made
28 of the DMV.ORG splash screen that I viewed is attached hereto as “F.” As is readily

1 viewable, the text in the DMV.ORG logo is much larger than the disclaimer and
2 "continue" button text.

3 8. As shown in Exhibits A and B, I was able to make the DMV.ORG logo
4 smaller than what was and is currently on the DMV.ORG splash screen and thus, make
5 it so that the text used in the logo is smaller than the text used in the disclaimer, as the
6 Injunction requires.

7 9. Moreover, on or about November 14, 2008, I visited the website located at
8 <http://www.onlineguru.com> (which I understand to be owned by Defendants), and
9 observed that the size of the same exact DMV.ORG logo displayed on two different
10 pages of that website was substantially *smaller* than the DMV.ORG logo displayed on
11 the splash screen page then and now at the dmv.org domain. I also noted that even with
12 the DMV.ORG logo being substantially smaller than what was and is currently
13 displayed on DMV.ORG splash screen, the text below the "DMV.ORG" in the logo,
14 namely the "Unofficial Guide to the DMV," was still legible and clearly visible on the
15 onlineguru.com pages.

16 10. I proceeded to create two exhibits that I believe show the comparison of the
17 sizes of the DMV.ORG logos that I reference above. True and accurate copies of those
18 PDF pages that I created on November 14, 2008 are attached hereto as Exhibits "G"
19 and "H." The following is the general process that I used to create those Exhibits:

20 a. First, I went to each of the 3 URL's displayed in Exhibit D, namely
21 <http://www.dmv.org>, <http://onlineguru.com/> and <http://onlineguru.com/brands/>. I made
22 screen captures of each website page based on my computer's screen resolution as
23 shown in Exhibit H. Although the DMV.ORG logo displayed in each of those URL's
24 may differ in actual size when viewed on different computers, they are 100% accurate
25 proportionally as being illustrated in Exhibit G.

26 b. I then copied the actual DMV.ORG logo image that I found on each
27 URL noted above and as shown in Exhibit G, pasted it, without altering it in any way,
28 to the right of the screen capture of each website page.

1 c. I then used the arrows in Exhibit G to help clarify which logo
2 corresponded with each URL screen capture.

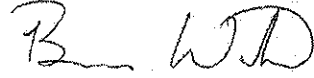
3 11. When you compare the size of the DMV.ORG logos in Exhibit G, it is
4 evident that the website at www.onlineguru.com displays the DMV.ORG in two
5 smaller versions than what was and what is currently displayed on the DMV.ORG
6 splash screen. Accordingly, smaller versions of the DMV.ORG logo already exist – and
7 are being displayed on Defendants' own website at www.onlineguru.com.

8 **C. FEASIBILITY OF MAKING SPLASH SCREEN WITH NO TITLE TAG**
9 **TEXT**

10 12. As a Web designer, I am familiar with "title tags." Title tags refer to the text
11 visible in the top line of a Web browser that is *created by the website designer*. In other
12 words, they are not automatically generated by a visitor's browser and are therefore
13 entirely in the control of the website owner and designer. Title tags are visible to a
14 website visitor only because the designer of the website has written the text in the
15 underlying code used to design the website. Title tags may at any point be removed
16 easily by the website designer simply by deleting the relevant text in the source code of
17 the website. Title tag text usually consists of descriptive terms for the specific page
18 being viewed in the visitor's browser window and are used mostly as a marketing tool
19 for search engine optimization. Attached hereto as Exhibit "I" are several articles with
20 highlighted text that discuss title tags and explain their marketing use which is
21 consistent with my general knowledge as described above.

22 13. As noted above, I understand that the Injunction requires that nothing other
23 than the disclaimer text and 'continue' button, and the DMV.ORG logo, shall be visible
24 to visitors to the dmv.org domain when viewing the splash screen. As illustrated in
25 Exhibits A and B, on September 5, 2008, I was able to create two sample splash screens
26 for the DMV.ORG site that complied with the Injunction on this point by simply
27 removing the title tags in the underlying code so that they would not appear in the top
28 blue bar of the browser.

1 I declare under penalty of perjury under the laws of the State of California that
2 the foregoing is true and correct and that this Declaration was executed on December
3 30, 2008, at Los Angeles, California.

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6 Benjamin P. Watson
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